


On further review of that latter patent, it is clear that the side chain $CR_1R_2CR_7R_8NR_3R_4$ is different from the $CR_1R_2NR_3R_4$ side chain of the present case. The group CR_7R_8 in the '449 patent cannot form an alkyl group and therefore there is no overlap as initially thought by the Examiner between the '449 patent and the instant claims. Instead, Applicants propose to submit by Supplemental Response, declaration evidence showing unexpected superiority for the compounds of the present application as compared to representative compounds of the '449 patent. Based on that evidence, reconsideration and allowance of the application will be requested and the Terminal Disclaimer for the '828 patent will also be submitted.

Respectfully submitted,

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